

Westlaw

1 TAC § 81.71

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## Texas Administrative Code Currentness

## Title 1. Administration

## Part 4. Office of the Secretary of State

## Chapter 81. Elections

■ Subchapter E. Election Day Procedures  
→ → § 81.71. Substantially Similar  
Name Standards and Identity Verification

(a) When a voter offers to vote at a polling place using a form of identification described by § 63.0101 of the Texas Election Code (“presented ID document”) and the voter's name on the presented ID document does not match exactly the voter's name as it appears on the official list of registered voters, the voter's name on the presented ID document must be “substantially similar” to the voter's name as it appears on the official list of registered voters.

(b) In determining whether a voter's name on the presented ID document is substantially similar to the voter's name as it appears on the official list of registered voters, the reviewing early voting clerk, deputy early voting clerk, election judge or election clerk (collectively included in the term “election worker”) shall refer to the standards in subsection (c) of this section.

(c) A voter's name on the presented ID document is considered substantially similar to the name on the official list of registered voters and a voter's name on the official list of registered voters is considered substantially similar to the name on the presented ID document if one or more of the circumstances in paragraphs (1)-(4) of this subsection are present. In determining whether one or more of those circumstances are present, election workers should consider

whether information on the presented ID document matches elements of the voter's information on the official list of registered voters such as the voter's residence address or date of birth, which may be strong indicators that the name on the presented ID document is substantially similar to the name on the official list of registered voters and vice versa if:

- (1) The name on the presented ID document is slightly different from one or more of the name fields on the official list of registered voters or one or more of the name fields on the official list of registered voters is slightly different from the name on the presented ID document;
- (2) The name on the presented ID document or on the official list of registered voters is a customary variation of the formal name such as, for illustrative purposes only, Bill for William, or Beto for Alberto, that is on the document or list that must match, as the case may be;
- (3) The voter's name on the presented ID document contains an initial, a middle name, or a former name that is not on the official list of registered voters or the official list of registered voters contains an initial, a middle name, or a former name that is not on the presented ID document; or
- (4) A first name, middle name, former name, or initial of the voter's name that occupies a different field on the presented ID document than a first name, middle name, former name, or initial of the voter's name on the official list of registered voters.

(d) If the reviewing election worker makes a determination that the voter's name on the presented ID

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EXHIBIT 7  
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document and the official list of registered voters are substantially similar, the voter shall be accepted for voting if the voter accepts the "Similar Name Affidavit" prescribed by the Secretary of State stating that the voter offering the presented ID document is the same person on the official list of registered voters.

(e) After the determination is complete, the presented ID document must be returned to the voter immediately.

(f) The completed Similar Name Affidavit, included in the signature roster or combination form, shall be placed in Envelope No. 4 (or other designated container) to be delivered to the county voter registrar.

(g) If the reviewing election worker makes a determination that the voter's names on the presented ID document and the official list of registered voters are not substantially similar, the voter shall be offered a provisional ballot. The voter shall be processed as a provisional voter in accordance with the provisional voter process established under Texas law, at the time of voting.

(h) If the voter casts a provisional ballot due to a determination by the election worker that the name on the presented ID document was not substantially similar to the name on the official list of registered voters, the voter is eligible to submit a form of identification described by § 63.0101 of the Texas Election Code, including the presented ID document that the voter presented at the polling place, in person to the voter registrar's office within six days of election day pursuant to Texas law. The voter shall be informed of this procedure at the time the voter casts his or her provisional ballot.

(i) In addition to the procedure described under subsection (h) of this section, if the voter casts a provisional ballot due to a determination by the election worker that the name on the presented ID document

was not substantially similar to the name on the official list of registered voters, or the voter's identity cannot be verified from the provided identification, the voter is eligible to submit official documentation to the voter registrar to verify their identity. Official documentation includes:

- (1) a marriage license;
- (2) a court order reflecting change of name;
- (3) a letter from licensed physician; or
- (4) affidavit stating that the person is the same person named on the identification provided.

(j) In determining whether an ID document presented to the voter registrar under subsection (h) of this section is substantially similar to the voter's name on the official list of registered voters, the voter registrar shall utilize the processes outlined in subsections (c) and (d) of this section.

**Source:** The provisions of this §81.71 adopted to be effective November 20, 2011, 36 TexReg 7655; amended to be effective April 3, 2014, 39 TexReg 2263.

1 TAC § 81.71, 1 TX ADC § 81.71

Current through 39 Tex.Reg. No. 5000, dated June 27, 2014, as effective on or before June 30, 2014

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